

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DR. TIEMOKO COULIBALY, et al. :
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 v. : Civil Action No. DKC 10-3517
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 J.P. MORGAN CHASE BANK, N.A. :
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MEMORANDUM AND ORDER

Plaintiffs have noted an appeal to the Fourth Circuit from Orders denying reconsideration dated December 12 and December 28, respectively. ECF Nos. 62 and 64. Plaintiffs moved the court to reconsider its order issued August 8, 2011, dismissing all of Plaintiffs' claims except those under the Equal Credit Opportunity Act against Defendant J.P. Morgan Chase Bank, N.A., relating to the March 2009 and January 2010 loan modification (ECF No. 55) and now seek to stay all proceedings in this court pending resolution of the appeal. ECF No. 72. In the meantime, discovery has closed and dispositive motions are due February 6.

Plaintiffs' motion for a stay is DENIED. Plaintiffs have not shown that the factors favor a stay:

[T]he factors regulating the issuance of a stay are generally the same: (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. See, e.g., *Virginia Petroleum Jobbers Assn. v. FPC*, 104 U.S.App.D.C. 106, 110, 259 F.2d 921, 925 (1958); *Washington Metropolitan Area Comm'n v. Holiday Tours, Inc.*, 182 U.S.App.D.C. 220, 221-222, 559 F.2d 841, 842-844 (1977); *Garcia-Mir v. Meese*, 781 F.2d 1450, 1453 (11th Cir. 1986); *Accident Fund v. Baerwaldt*, 579 F.Supp. 724, 725 (W.D. Mich. 1984). See generally 11 C. Wright & A. Miller, *Federal Practice and Procedure* § 2904 (1973).

Hilton v. Braunskill, 481 U.S. 770, 776-777 (1987). It is simply not in the public interest to delay the proceedings in this case while Plaintiffs attempt to relitigate every subsidiary ruling in the Fourth Circuit. Plaintiffs have not made a substantial showing of likely success on the merits, and Defendant, like the court and the public, is harmed by further delay.

SO ORDERED this 25th day of January, 2012.

/s/

DEBORAH K. CHASANOW
United States District Judge